**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929**

**WP(C).No. 27806 of 2006(I)**
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**PETITIONER:**
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**GEORGE VARGHESE, AGED 43 YEARS,**
**S/O. K.V.MATHEW, KAKKATTIL HOUSE,**
**PUTHANCHIRA P.O., TRICHUR.**
**FOOD INSPECTOR MOBILE VIGILANCE SQUAD,**
**ERNAKULAM.**

**BY ADV. SRI.P.V.MOHANAN**

**RESPONDENTS:**
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**1. STATE OF KERALA, REPRESENTED BY**
**THE SECRETARY, HEALTH AND FAMILY WELFARE**
**DEPARTMENT, TRIVANDRUM.**

**2. THE DIRECTOR OF HEALTH SERVICE,**
**TRIVANDRUM.**

**3. THE SECRETARY,**
**LOCAL ADMINISTRATION DEPARTMENT,**
**TRIVANDRUM.**

**4. P.A.ABOOBACKER,**
**FOOD INSPECTOR, TIRUR CIRCLE,**
**TIRUR, MALAPPURAM DISTRICT.**

***5. DEPUTY DIRECTOR OF HEALTH SERVICE (PFA)**
**DIRECTORATE OF HEALTH SERVICE,**
**TRIVANDRUM.**

***ADDL. R5 IS IMPLEADED AS PER ORDER DATED**
**02/04/2007 IN IA NO. 14928/2006.**

**BY ADV. SRI.K.V.KUMARAN --- R4**
**GOVERNMENT PLEADER SRI. P.NANDAKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WP(C) NO: 27806/2006 I**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1. COPY OF THE ORDER NO. EG1/26024./06/DHS DT. 24/5/2006.**

**EXT.P2. COPY OF THE PROCEEDINGS NO. EG1/108794/00/DTD. 23/3/2001.**

**EXT.P3. COPY OF THE EG1/26024/2006/DHS DT. 18/10/2006.**

*True copy*

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K.BALAKRISHNAN NAIR, J.

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W.P.(C) NO. 27806 OF 2006-I

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JUDGMENT

The petitioner is a Food Inspector. He was posted to the Mobile Vigilance Squad, Ernakulam, by Ext.P1 order dated 24.5.2006. He did not complete his usual tenure in that station, permissible in terms of Ext.P2 proceedings of the Director of Health Services. While so, he was transferred to Tirur, by Ext.P3 order dated 18.10.2006. This writ petition is filed, challenging Ext.P3. The petitioner submits, Ext.P3 has been issued only to accommodate the 4th respondent. He has already worked for more than three years in the Mobile Vigilance Squad. Therefore, his posting runs counter to Ext.P2 guidelines, concerning the same. The petitioner has worked only for a few months in the Mobile Vigilance Squad at Ernakulam. So, his transfer is also contrary to the norms governing the same. Therefore, the petitioner attacks Ext.P3.

2. Respondents 2 and 5 have filed a counter affidavit, supporting the impugned order. According to them Ext.P2 applies only to the general transfer for the year 2001. The 4th respondent had made a request for transfer to the Mobile Vigilance Squad, Ernakulam. As per the direction of

this Court, it was considered and allowed. So, the said respondent was posted at Ernakulam, it is submitted.

3. The 4th respondent has also filed a counter affidavit, supporting the impugned order. According to him, he has only three years to retire. He is senior to the petitioner also. Therefore, he was rightly preferred for a posting at Ernakulam, submits the 4th respondent.

4. It is common case that at present the petitioner is working in the Mobile Vigilance Squad, Kozhikode. The said posting was made at his request. So, his transfer to Tirur, made under Ext.P3 no longer survives. This Court can interfere with a transfer, if only the same is shown to be illegal or vitiated by mala fides. In this case, I find that no such ground has been made out, warranting interference with Ext.P3. Accordingly, the writ petition fails and it is dismissed.

1st June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/